

MT LEGISLATIVE HISTORY

Chapter 360 1987

Bill (H) 301 S _____

Original bill & hist. ____C

H. Committee on Judiciary

S. Committee on Judiciary

Hearing Date(s) JAN 26 ✓C

Hearing Date(s) MAR 04 ✓C

JAN 28 ✓C

_____C

_____C

Date Out _____C

_____C

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_____C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

FORTY-SEVENTH LEGISLATIVE SESSION

COMMITTEE ON JUDICIARY

<u>HOUSE</u> <u>BILL NO.</u>	<u>ENTERED</u> <u>COMM.</u>	<u>DATE</u> <u>CONSIDERED</u>	<u>OUT OF</u> <u>COMM.</u>	<u>DO PASS</u> <u>DATE</u>	<u>DO NOT</u> <u>PASS</u> <u>DATE</u>	<u>DO PASS</u> <u>AS AMEND.</u> <u>DATE</u>	<u>BE CON-</u> <u>CURRED IN</u> <u>DATE</u>	<u>BE CONC. IN</u> <u>AS AMENDED</u> <u>DATE</u>	<u>BE NOT CON-</u> <u>CURRED IN</u> <u>DATE</u>
HB 300	2/14/81	3/11/81	3/21/81					3/21/81	
HB 301	2/04/81	3/04/81	3/04/81					3/04/81	
HB 315	2/05/81	3/04/81	3/04/81				3/04/81		
HB 316	2/04/81	3/06/81	3/14/81						3/14/81
HB 316	3/16/81	3/24/81	3/16/81				3/24/81		
HB 317	2/05/81	3/06/81	3/14/81						3/14/81
HB 335	2/05/81	3/04/81	3/04/81				3/04/81		
HB 379	2/05/81	3/05/81	3/05/81				3/05/81		
HB 379	3/09/81	3/14/81	3/14/81					3/14/81	
HB 396	3/13/81	3/17/81	3/17/81				3/17/81		
HB 403	2/09/81	3/06/81	3/24/81					3/24/81	
HB 405	2/09/81	3/06/81	3/09/81					3/09/81	
HB 480	2/13/81	3/19/81	3/23/81					3/23/81	
HB 485	2/20/81	3/05/81	3/05/81						3/05/81
HB 508	2/16/81	3/05/81	3/05/81				3/05/81		
HB 534	2/18/81	3/11/81	3/14/81				3/14/81		

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 4, 1981

The thirty-fifth meeting of the Senate Judiciary Committee was called to order by Mike Anderson, Chairman, on the above date in Room 331, at 10:00 a.m.

ROLL CALL:

All members were present.

CONSIDERATION OF HOUSE BILL 301:

TO INCREASE THE ABILITY OF VICTIMS
OF CRIMINAL MISCHIEF TO RECOVER
RESTITUTION FROM THE OFFENDER.

Rep. Matsko presented the bill and said that the scope of the bill was described in the title. He felt that when an individual takes it upon himself to inflict damage he should have to make restitution.

Senator Mazurek questioned the constitutionality of "shall" on page 2, line 24. Rep. Matsko replied that under this language the debt would hang over the defendant until the damage was paid.

CONSIDERATION OF HOUSE BILL 254:

TO CLARIFY THE ACTIONS TO BE TAKEN
TO REMOVE AN UNATTENDED VEHICLE FROM
A ROADWAY.

Rep. Kropp, District 5, presented the bill.

Captain Walt Miller, of the Montana Highway Patrol, spoke in support of the bill and said that the state has had a problem in this area because they have an obligation to clear the roadway of the unattended vehicle but no authority to obtain payment for the wrecker operator who does the job.

Senator Mazurek asked whether, in the case of a car's breaking down on an interstate and having to be left temporarily while the owner gets help, this law would apply. Captain Miller replied that it would not apply so long as the vehicle was off the road and not obstructing traffic.

CONSIDERATION OF HOUSE BILL 273:

TO PERMIT PUBLICATION OF THE NAMES

DISPOSITION OF HOUSE BILL 315:

Senator Mazurek moved that the bill BE CONCURRED IN, and his motion passed unanimously.

DISPOSITION OF HOUSE BILL 254:

Senator Crippen moved that the bill BE CONCURRED IN, and his motion carried with Senator Mazurek opposing and Senator S. Brown abstaining.

DISPOSITION OF HOUSE BILL 301:

Senator Mazurek moved that the bill be amended on page 2, line 24, following "mischief", by striking "shall" and inserting "may". His motion passed with Senator Tveit opposing.

Senator O'Hara moved that the bill BE CONCURRED IN AS AMENDED, and his motion passed over the opposition of Senator Tveit.



Mike Anderson
Chairman, Judiciary Committee

ROLL CALL

JUDICIARY COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date *March 11*

NAME	PRESENT	ABSENT	EXCUSED
Anderson, Mike, Chr. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Olson, S. A. (R)	✓		
Brown, Bob (R)	✓		
Crippen, Bruce D. (R)	✓		
Tveit, Larry J. (R)	✓		
Brown, Steve (D)	✓		
Berg, Harry K. (D)	✓		
Mazúrek, Joseph P. (D)	✓		
Halligan, Michael (D)	✓		

Each day attach to minutes.

JUDICIARY COMMITTEE

47th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
273	To permit publication of the names of juvenile offenders under certain circumstances.	1/16/81	Metcalf	1/26/81	Do Pass as Amended 1/27/81	1/27/81
284	To amend the motor vehicle insurance liability laws, etc., in cases where there is more than one insurance policy.	1/16/81	Fabrega	1/27/81	Tabled 2/17/81 Do Pass as Amended 2/19/81	2/19/81
289	To amend the definition of serious bodily injury in the criminal codes.	1/16/81	Keedy	1/28/81	Do Not Pass 1/28/81	1/28/81
294	To increase the peremptory challenges to jurors in civil actions.	1/16/81	Pistoria	1/26/81	Do Not Pass 1/26/81	1/26/81
300	To enact the provisions of the model drug paraphernalia act.	1/16/81	Matsko	1/28/81	Do Pass 1/29/81	1/29/81
301	To increase the ability of victims of criminal mischief to recover restitution from the offender.	1/16/81	Matsko	1/26/81	Do Pass as Amended 1/28/81	1/28/81

HOUSE BILL 301 REP. MATSKO, chief sponsor, stated this is an act to increase the ability of victims of criminal mischief to recover restitution from the offender. REP. MATSKO stated a person convicted of the offense of criminal mischief shall be ordered to make full restitution. Currently the amount for restitution shall not exceed \$1500. REP. MATSKO feels it should be raised to \$2500.

There were no proponents.

There were no opponents.

In closing REP. MATSKO felt this bill was straight forward and clear.

REP. KEEDY asked if any type of ceiling should be left in. REP. MATSKO replied in Great Falls there was a situation where a juvenile set fire to a school. The parents' insurance could not cover the millions of dollars of damage caused. The bulk of damages usually done \$2500 would cover.

HOUSE BILL 216 REP. KEEDY, sponsor of the bill, stated this bill is an act to define sexual contact as touching of another for the purpose of arousing or gratifying the sexual desire of either party. The only change is on page 12 being that sexual contact is no longer necessary for prosecution purposes but the person's anatomy was violated.

REP. KEEDY stated there may be child molesting cases where a man massaged the stomach of a young girl. He might be arousing or gratifying sexual desire by doing this act. REP. KEEDY stated sexual contact should not be limited to the touching of private parts.

There were no proponents.

There were no opponents.

REP. TEAGUE inquired if a pat on the butt would be considered as sexual contact. REP. KEEDY replied that is is considered sexual contact under the present statute.

There was no further discussion on House Bill 216.

EXECUTIVE SESSION

The House Judiciary Committee went into Executive Session at 9:35 a.m. on 1/26/81.

REP. CURTISS made a substitute motion of do pass. The motion of do pass was defeated 10 to 8. Those representatives voting no were: KEYSER, SEIFERT, BENNETT, EUDAILY, DAILY, ABRAMS, HUENNEKENS, SHELDEN, YARDLEY and BROWN. Those voting yes were: CONN, CURTISS, HANNAH, IVERSON, MATSKO, ANDERSON, KEEDY, and MCLANE. The vote was reversed to do not pass. Those voting yes were: KEYSER, SEIFERT, BENNETT, EUDAILY, DAILY, ABRAMS, HUENNEKENS, SHELDEN, YARDLEY and BROWN. Those voting no were: CONN, CURTISS, HANNAH, IVERSON, MATSKO, ANDERSON, KEEDY and MCLANE.

HOUSE BILL 301 REP. BROWN moved do pass.

REP. IVERSON moved to strike on page 2, subsection 3, line 22, the new language and leave the old language as is; and on page 3 lines 6 and 7 strike the new language and leave the old language as is. The motion passed unanimously.

REP. EUDAILY moved to reinstate the original language in 40-6-237 and 40-6-238 deleting 1 and 2 in its entirety, renumbering the following sections. REP. BROWN opposed the amendment. The motion failed.

REP. MATSKO moved to amend the title and to insert on line 6 "and to increase to \$2500 the amount of recovery allowed against parents under sections 40-6-237 and 40-6-238, MCA. The motion passed with REP. YARDLEY and REP. EUDAILY against it.

REP. BROWN moved to pass as amended. The motion passed with REP. YARDLEY and REP. EUDAILY voting against it.

HOUSE BILL 315 REP. DAILY moved do pass. The motion passed unanimously.

HOUSE BILL 316 REP. YARDLEY moved do pass. The vote was unanimous in favor of the motion. REP. CONN moved to place the bill on the consent calendar. The motion carried unanimously.

HOUSE BILL 317 REP. EUDAILY moved do not pass. It was decided to hold this bill until 1/29/81 for executive action until Dan Russell from the Department of Institutions could speak to the committee to answer questions.

HOUSE BILL 335 REP. BROWN moved do pass.